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January 17, 2013

By ECF

Magistrate A. Kathleen Tomlinson
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Thomas M. Moroughan v. County of Nassau et al.
Index No.: CV-12-0512 (JFB)(AKT)

Dear Magistrate Tomlinson:

I am writing concerning plaintiff's demands for the home and cell phone records of police officer Edward Benz, and for e-mails, text records, bank and credit card statements for February 26 or February 27, 2011.

I assume the same documents are required to be produced by officer Bienz as those required of defendant DiLeonardo that are set forth in your minutes order dated December 14, 2012 (DE 51).

With regard to bank withdrawals for February 26 or February 27, 2011, e-mails to or from DiLeonardo, Jillian Bienz, Sophia Cornia, and the Nassau Suffolk Police Departments for the period February 26, 2011 through November 30, 2012, there are none.

Similarly there are no credit card charges at the three locations listed in the order or at any other bar or restaurant on February 26 or February 27, 2011.

By letter dated January 15, 2013, I advised all counsel of the above and I provided for "attorneys eyes only" the work, home and cell phone numbers of Officer Bienz.

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Officer Bienz has been attempting to retrieve his home and cell phone records and text messages for the period February 26, 2011 through November 30, 2012.

HOME PHONE RECORDS:

As I advised all counsel by letter dated January 15, 2013, on or about October 22, 2012 Officer Bienz switched his home phone carrier from Cablevision to Verizon. Cablevision charges a fee of \$50.00 per month for obtaining the phone records. For the period February 26, 2011 through about October 22, 2012 this would total over one-thousand dollars. Officer Bienz has no objection to signing a release to Cablevision for his home phone records but objects to paying over one thousand dollars for same.

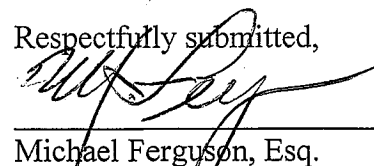
The home phone records for the new carrier as of October 22, 2012 (Verizon) for the period October 18, 2012 through December 21, 2012 are forwarded to the court under separate cover.

All cell phone records from Verizon for the period October 5, 2011 through August 9, 2012 (account holder Arthur Bienz) are forwarded to the court under separate cover. The cell phone records from February 26, 2011 to October 5, 2011 and after August 9, 2012 are in the process of being obtained.

The phone carriers do not save the context of text messages. Officer Bienz has no e-mails for the time period in issue to and from the Nassau and Suffolk County Police Departments, Jillian Bienz, defendant DiLeonardo and Sophia Cornia.

I am providing the above mentioned home and cellular telephone records for this Court's in camera review under separate cover, not filed electronically, via First Class Mail.

Respectfully submitted,



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